

January 8, 1976

SENATOR DWORAK: In answer to the question, I don't believe (machine malfunctioned) ... discounts as a realtor now for this service you're providing of putting this person in touch with the abstractor. You're not taking a discount. As you indicated, you're disclosing it on your closing statement, whatever fees are in there. I don't see where you have any liability here, unless you start taking a discount or taking a rebate. Then if you do start taking a discount or a rebate then I think you're in violation of the intent of the Statute.

SENATOR DUIS: My question to you is, why don't you make the abstractor responsible if he gives a discount? Then this will not happen under any circumstances.

SENATOR DWORAK: Is the abstractor always in total control? If he bills you out then what do you bill? If you bill a discounted figure then is the abstractor in control, or are you in control?

SENATOR DUIS: The abstractor is in control. He gives us a bill for an amount of money and that's what we have to pay him.

SENATOR DWORAK: But is that what you have to charge the client? Is that what you have to charge under the current system?

SENATOR DUIS: It appears right on the closing statement.

SENATOR DWORAK: But do you have to

SENATOR DUIS: He could go right back to the abstractor and find out whether we bamboozled him or not.

SENATOR DWORAK: I think the abstractor bills you. Whether you bill the client another figure or not, the abstractor is beyond control.

SENATOR DUIS: Oh no. I don't think you've ever seen an abstractors bill. The bill comes to us ... to the client, but we are responsible to pay the abstractor for the client when we collect it from him. Therefore, we cannot charge that client anymore then what that bill is made out to him. If John Jones has an abstract brought up-to-date the bill comes to us made to John Jones for \$32.60. That's what we bill him for.

PRESIDENT: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of Nebraska. I have a question of Senator Cavanaugh. Senator Cavanaugh, you have been referred to as the one that explained to Senator Dworak the clarity of this bill. I suggested that at the very best it's ambiguous. Do you feel it's ambiguous, or are there some problems?